

AMENDED IN ASSEMBLY MAY 21, 2003

AMENDED IN ASSEMBLY MAY 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Member Bermudez

January 30, 2003

An act to add ~~Section 2076~~ *Sections 2232 and 2232.5* to the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as amended, Bermudez. Physicians and surgeons.

The Medical Practice Act provides for the licensing and regulation of physicians and surgeons by the Medical Board of California.

This bill would prohibit any person from being licensed under that act who is required to register with the police as a sex offender. The bill would require the board to promptly revoke the license of any person who becomes subject to that registration requirement. The bill would authorize the revoked licensee, 5 years after *the revocation and 3 years after* termination of parole or probation, to petition the superior court for a license reinstatement hearing. The bill would provide that if the court finds that the individual no longer poses a possible risk to patients, the court shall order the Medical Board of California to reinstate the license, and if the court denies relief, the license revocation would remain in place. *The bill would authorize the board to issue a probationary license to a person whose license has been revoked pursuant to these provisions subject to specified terms and conditions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~2076~~ 2232 is added to the Business and
2 Professions Code, to read:
3 ~~2076. —(a)~~
4 2232. No person shall be licensed by the board pursuant to this
5 chapter who is required to register pursuant to Section 290 of the
6 Penal Code, ~~and the~~.
7 SEC. 2. Section 2232.5 is added to the Business and
8 Professions Code, to read:
9 2232.5. (a) The board shall promptly revoke the license of
10 any person who becomes subject to ~~that section~~ Section 290 of the
11 Penal Code.
12 (b) (1) Five years after the *effective date of the* revocation and
13 *three years after* successful discharge from parole, probation, or
14 both parole and probation if under simultaneous supervision, an
15 individual may petition the superior court in the county in which
16 the individual desires to practice medicine to hold a hearing within
17 one year of the date of the petition, in order for the court to
18 determine whether the individual no longer poses a possible risk
19 to patients. ~~If~~
20 (2) *If* the court finds that the individual no longer poses a
21 possible risk to patients, *and there are no other underlying reasons*
22 *that the board pursued disciplinary action*, the court shall order,
23 in writing, the board to reinstate the individual's license within
24 ~~120~~ 180 days of the date of the order. ~~If~~ *The board may issue a*
25 *probationary license to a person subject to this section subject to*
26 *terms and conditions including, but not limited to, any of the*
27 *conditions of probation specified in Section 2221.*
28 (3) *If* the court finds that the individual continues to pose a
29 possible risk to patients, the court shall deny relief. The court's
30 decision shall be binding on the individual and the medical board.